

REMARKS

In the Office Action, claim 34 is rejected under 35 U.S.C. § 112, first paragraph; claims 24-35 are rejected pursuant to 35 U.S.C. § 102; and claims 24-46 are rejected pursuant to 35 U.S.C. § 103. As provided above, claim 24 has been amended; and claim 35 has been canceled without prejudice or disclaimer. Applicants believe that the rejections have been overcome in view of the amendments and at least for the reasons set forth below.

In the Office Action, claim 34 is rejected under 35 U.S.C. § 112, first paragraph. More specifically, the Patent Office alleges that the claim term “partially embedded state” fails to comply with the written description requirement. As previously provided, claim 34 has been amended to recite, “a partly embedded state.” This amendment is clarifying in nature and further should not be deemed as narrowing or disclaiming any subject matter in view of same. Moreover, this language is fully supported in the specification, such as on page 20 of Applicants’ Preliminary Amendment with reference to Figure 12. Therefore, Applicants respectfully request that this rejection be withdrawn.

In the Office Action, claims 24-34 are rejected under 35 U.S.C. § 102 in view of U.S. Patent Application Publication No. 2003/0087476 (“Oohata”). Of these claims, claim 24 is the sole independent claim. As previously provided, claim 24 has been amended to incorporate the features of claim 35 where claim 35 has been canceled without prejudice or disclaimer. Thus, this rejection has been rendered moot in view of same.

Accordingly, Applicants respectfully request that the anticipation rejection in view of Oohata be withdrawn.

In the Office Action, claims 24-46 have been rejected under 35 U.S.C. § 103. In the support of the obviousness rejections, the Patent Office has primarily relied on the Hayashi reference (U.S. Patent Application Publication No. 2003/0162463). However, Applicants believe that this reference cannot be applied as prior art.

In this regard, the filing date of the present application is March 6, 2003 based on the filing date of the priority Japanese Patent Application No. 2003-059540. Further, Applicants are enclosing herewith a certified English-language translation of the priority Japanese application. This filing date predates the earliest effective prior art date (e.g., August 28, 2003) of the

Hayashi reference. Therefore, the Hayashi reference cannot be applied as prior art, and thus, the obviousness rejections should be withdrawn for at least this reason.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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